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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, DAVID Q

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/023,438

Applicant(s)

EIDEN ET AL.

Examiner

David Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-15 is/are rejected.
- 7) ☒ Claim(s) 5 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 6-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Feldis, III (US 2003/0007078 A1).

Regarding claims 1 and 12, Feldis III discloses a wireless terminal for communicating pictures via a wireless communication system (see par. 0028) and a method, the wireless terminal comprising: a picture manager (CPU 206; fig. 2) responsive to signals indicating pictures for displaying the pictures each of which is editable if free-to-edit tag embedded in the picture (see par. 0032-0034 and fig. 2), for examining each of the pictures to determine whether each of the pictures includes the free-to-edit tag so as to be editable thus allowing a user to alter the content of at least a portion of the picture (see par. 0034), and for enabling editing of each of the pictures received by the user only if the free-to-edit tag is included in the picture received by the

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user (see par. 0032-0034 and fig. 2); and a picture source, for providing the signals indicating pictures (see fig. 2).

Regarding claims 2 and 13, Feldis III also discloses wherein free-to-edit tag is visible to the user, and wherein the picture manager is capable of deleting the free-to-edit tag from the picture (see par. 0032-0034).

Regarding claims 3 and 14, Feldis III also discloses wherein the picture manager is also equipped to prompt the user regarding creating the free-to-edit tag, if the user has created the picture (see par. 0032-0034).

Regarding claims 4 and 15, Feldis III also discloses wherein the free-to-edit tag is visible to a user of the wireless terminal only if the wireless terminal is placed by the user into a mode of operation allowing editing of an editable picture (see page 3, paragraphs 0032-0039; paragraphs 0038-0039).

Regarding claims 6-10, Feldis III also discloses a system comprising a wireless terminal for communicating pictures via a wireless communication system (see page 5, claims 15-16), the wireless terminal as claimed in claims 1-4 (see explanation in claims 1-4); a base station transceiver (The base station transceiver is well known in the wireless communication network) for providing communication between the wireless terminal and other communication devices (see fig. 2).

Regarding claim 11, Feldis III also discloses equipment providing pictures for downloading, for providing the signals indicating the pictures (see par. 0032-0034).

***Allowable Subject Matter***

2. Claim 5 and 16 are objected to as stated in the previous office action.

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***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Paul et al. (US 2004/0210845A1) disclose internet presentation system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Nguyen



JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER